

III. REMARKS

1. Claims 17-32, 34-38, and 40-56 remain in the application. Claims 33 and 39 were previously cancelled without prejudice. Claims 17-19, 24-32, 40-45, 47, 48, and 50-56 have been amended.

2. Claims 17-32, 34-38, 40-47, and 49-56 are patentable over the combination of Takahara et al. (US 5,381,158, "Takahara") and Kojima et al. (US 6,236,398, "Kojima") under 35 USC 103(a).

The combination of Takahara and Kojima fails to disclose or suggest:

recognizing a first movement to a position corresponding to a desired alternative;

recognizing a second movement in the position corresponding to the desired alternative;

wherein said positions are sectors on an arcuate area surrounding the user and separated by separating areas arranged to reduce selection errors, and

wherein said first movement comprises moving a member of the user's body to a certain sector on said arcuate area between two of the separating areas,

as substantially recited by claims 17, 24, 45, and 52.

The Final Action mailed 4 March 2008 properly points out that Takahara fails to disclose or suggest that the alternatives surround the user, and that the positions are sectors on an arcuate area, and the first movement comprises moving the member of the body to a certain sector on the arcuate area.

Applicants note that the claims recite that the positions are sectors on an arcuate area surrounding the user and separated by separating areas arranged to reduce selection errors.

Applicants respectfully submit that neither Takahara nor Kojima discloses these features.

An operator using Kojima's embodiments does not make a movement to a sector on an arcuate area surrounding the user. In Kojima, the operator uses the media selecting device 1 in Figure 1 to make selections. The operator selects an icon by rotating a knob and pressing a button on media selecting device 1 of Figure 1. Media selecting device 1 does not have an arcuate area surrounding the user and operating the device does not involve making a movement to a sector on an arcuate area surrounding the user. Thus, making a selection by manipulating the knob and buttons on the device 1 is clearly different from the features of the present claims.

Referring to Kojima's Figure 2 for exemplary purposes only, the user does not make a movement to any portion of table 8 to make a selection. As stated by the Examiner on page 10 of the Final Office Action, in Kojima, the user moves a rotation knob to select an icon on the table 8. Thus, the user does not make a movement to a sector on table 8 but instead operates the media selector. Operation of the media selector in no way includes making a movement to a sector on an arcuate area surrounding the user.

At least for these reasons, independent claims 17, 24, 45, and 52 and dependent claims 18-23, 25-32, 34-38, 40-44, 46, 47, 49-51, and 53-56 are patentable over the combination of Takahara and Kojima.

3. Applicants respectfully submit that claim 48 is patentable over the combination of Takahara, Kojima and Kumar et al. (US 6,624,833, "Kumar") under 35 USC 103(a).

Claim 48 depends from claim 45.

Kumar fails to disclose or suggest the features missing from the combination of Takahara and Kojima argued above, that is:

recognizing a first movement to a position corresponding to a desired alternative;

recognizing a second movement in the position corresponding to the desired alternative;

wherein said positions are sectors on an arcuate area surrounding the user and separated by separating areas arranged to reduce selection errors, and

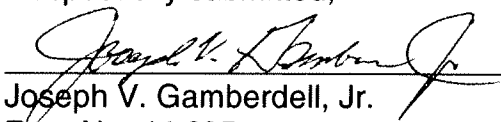
wherein said first movement comprises moving a member of the user's body to a certain sector on said arcuate area between two of the separating areas,

At least for these reasons, the combination of Takahara, Kojima, and Kumar fails to render claim 48 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Joseph V. Gamberdell, Jr.
Reg. No. 44,695

30 December 2008
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512